

### **REMARKS**

The present Amendment is in response to the Examiner's Final Office Action mailed August 23, 2007. By this paper, claims 4, 20, and 22 are canceled, claims 1, 5, 9, 19, 23, and 34 are amended, and no new claims are added. Claims 2, 3, and 21 were previously canceled. Claims 1, 5-19, 23-36 are now pending in view of the above amendments.

Reconsideration of the application is respectfully requested in view of the above amendments to the claims and the following remarks. For the Examiner's convenience and reference, Applicants' remarks are presented in the order in which the corresponding issues were raised in the Office Action.

Applicants note that, as explained below, all of the amendments to the claims made in this amendment are simply to put the claims in an allowable format. In other words, Applicants have rewritten allowed dependent claims into independent format as suggested by the Office Action. Accordingly, Applicants need not file a Request for Continued Examination (RCE) with this submission and ask that the claims as pending be promptly allowed.

#### **I. General Considerations**

Applicants note that the remarks, or a lack of remarks, set forth herein are not intended to constitute, and should not be construed as, an acquiescence, on the part of the Applicants: as to the purported teachings or prior art status of the cited references; as to the characterization of the cited references advanced by the Examiner; or as to any other assertions, allegations or characterizations made by the Examiner at any time in this case. Applicants reserve the right to challenge the purported teaching and prior art status of the cited references at any appropriate time.

In addition, the remarks herein do not constitute, nor are they intended to be, an exhaustive enumeration of the distinctions between any cited references and the claimed invention. Rather, the distinctions identified and discussed herein are presented solely by way of example. Consistent with the foregoing, the discussion herein is not intended, and should not be construed, to prejudice or foreclose contemporaneous or future consideration, by the Applicants, of additional or alternative distinctions between the claims of the present application and any references cited by the Examiner, and/or the merits of additional or alternative arguments.

## **II. Allowed Subject Matter**

The Examiner has indicated that claims 4-9, 12-13, 15, 17, 22-27, 30-31, 33, and 35 would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. In response, Applicants have amended independent claim 1 so as to include all of the limitations of formerly pending claim 4. In particular, the scope of amended independent claim 1 (i.e., the scope of formerly pending claim 4) has not been narrowed in any way so as to overcome any prior art, but has merely been rewritten in an independent format. As acknowledged by the Examiner, that claim is patentably distinct from the prior art, and is now in a condition for allowance. Moreover, for at least the same reason, claims now depending from amended independent claim 1 – namely, claims 5-8 and 10-18 – are also in a condition for allowance.

Similarly, dependent claim 9 has been rewritten so as to incorporate all of the limitations of base independent claim 1 and any intervening claims. In particular, the scope of newly independent claim 9 (i.e., the scope of formerly pending claim 9) has not been narrowed in any way so as to overcome any prior art, but has merely been rewritten in an independent format. As acknowledged by the Examiner, newly independent claim 9 is now in a condition for allowance.

Further, Applicants have amended independent claim 19 so as to include all of the limitations of formerly pending claim 22. In particular, the scope of amended independent claim 19 (i.e., the scope of formerly pending claim 22) has not been narrowed in any way so as to overcome any prior art, but has merely been rewritten in an independent format. As acknowledged by the Examiner, that claim is patentably distinct from the prior art, and is now in a condition for allowance. Moreover, for at least the same reason, claims now depending from amended independent claim 19 – namely, claims 23-36 – are also in a condition for allowance.

In summary, claims 1, 5-19, 23-36 are now pending in view of the above amendments, and all are patentably distinct from the prior art. Allowance of each of these claims is respectfully requested.

### **III. PRIOR ART REJECTIONS**

The Examiner rejects claims 1-3, 10-11, 14, 18-21, 28-29, 32, and 36 under 35 U.S.C. § 102(a)<sup>1</sup> as being anticipated by *Dallas et al.* (United States Patent Publication No. 2003/0142926). The Examiner rejects claims 16 and 34 under 35 U.S.C. § 103 as being unpatentable over *Dallas et al.* as applied to claims 1 and 19 above. As noted above, Applicants have either amended these claims so as to be in a condition of allowance or have cancelled the claims. Accordingly, Applicants respectfully request that the rejection of these claims be withdrawn.

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<sup>1</sup> Because *Dallas* is only citable under 35 U.S.C. § 102(e) Applicants do not admit that *Dallas* is in fact prior art to the claimed invention but reserve the right to swear behind *Dallas* if necessary to remove it as a reference.

**CONCLUSION**

In view of the foregoing, Applicants believe the claims as amended or presently pending are in allowable form and that every issue raised by the Office Action has been addressed. In the event that the Examiner finds remaining impediment to a prompt allowance of this application that may be clarified through a telephone interview, or which may be overcome by an Examiner's Amendment, the Examiner is requested to contact the undersigned attorneys.

Dated this 20<sup>th</sup> day of December, 2007.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Eric L. Maschoff".

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